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Attorneys for Defendants-Counterclaim
Plaintiffs
PALO ALTO NETWORKS and
PATRICK R. BROGAN

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

E-FILED - 10/26/09

13 FORTINET, INC.,

14 Plaintiff,

15 vs.

16 PALO ALTO NETWORKS, INC. and
17 PATRICK R. BROGAN,

18 Defendants.

19 AND RELATED COUNTERCLAIMS.

Case No. CV 09-00036 RMW

**STIPULATION AND []
ORDER SETTING PRELIMINARY CASE
MANAGEMENT SCHEDULE**

Dept.: Courtroom 6, 4th Floor
Judge: Honorable Ronald M. Whyte

Complaint Filed: January 8, 2009
Trial Date: None set

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21 In accordance with the direction from the Court at the October 2, 2009 Case Management
22 Conference, Plaintiff/Counter Defendant Fortinet Inc. (“Fortinet”) and Defendants/Counterclaim
23 Plaintiffs Palo Alto Networks, Inc. (“PAN”) and Patrick R. Brogan (“Brogan”) (collectively
24 “Defendants”) submit this Stipulated Case Management Order.

25 1. The parties shall exchange their Disclosures of Asserted Claims and Infringement
26 Contentions pursuant to Local Patent Rule 3-1 and make their Document Production
27 Accompanying Disclosure pursuant to Local Patent Rule 3-2 on or before November 9, 2009.

1 2. The parties shall exchange their Invalidity Contentions pursuant to Local Patent
2 Rule 3-3, make their Document Production Accompanying Invalidity Contentions pursuant to
3 Local Patent Rule 3-4(b) on or before December 11, 2009, and make their Document Production
4 Accompanying Invalidity Contentions pursuant to Local Patent Rule 3-4(a) on or before
5 November 16, 2009.

6 3. Plaintiff Fortinet shall be entitled to take a Rule 30(b)(6) deposition of Defendant
7 PAN regarding the technical operation of its accused devices. Defendants shall be entitled to take
8 a Rule 30(b)(6) deposition of Plaintiff Fortinet regarding the technical operation of its accused
9 devices.

10 4. The parties agree to make their witnesses available for the depositions as outlined
11 in the preceding paragraph, if requested, no later than January 15, 2010 and to participate in
12 alternative dispute resolution (“ADR”) before Dr. Nick Nichols before January 31, 2010. Should
13 Dr. Nichols be unable to facilitate the parties’ ADR process by January 31, 2010, the parties will
14 agree upon an alternate neutral. The parties agree to participate in an Early Neutral
15 Evaluation/Mediation (“ENE” and “mediation”) according to the ADR Local Rules. Specifically,
16 the parties agree that the ENE should convert to mediation such that Dr. Nichols would complete
17 his evaluation but would then commence to mediate the case and would retain discretion to
18 decide the best time at which to disclose the results of his evaluation.

19 5. The parties request a further Case Management Conference thereafter on February
20 19 or March 5, 2010. The Court sets the Case Management Conference for
21 March 5, 2010 @ 10:30 a.m.

22 6. Neither party shall be entitled to take discovery other than the discovery permitted
23 according to paragraphs 1-3 herein until and unless the Court permits such discovery at the Case
24 Management Conference. If the Court is unable to schedule a Case Management Conference on
25 or before March 19, 2010, however, Fortinet reserves the right to initiate discovery consistent
26 with the Federal Rules of Civil Procedure, and Defendants reserve the right to object consistent
27 with the Federal Rules of Civil Procedure.

28

1 Dated: October 13, 2009

FARELLA BRAUN & MARTEL LLP

3 By: /s/ Roderick M. Thompson
4 Roderick M. Thompson

5 Attorneys for Plaintiff
6 FORTINET, INC.

7 Dated: October 13, 2009

8 DURIE TANGRI LLP

9 By: /s/ Ragesh Tangri
10 Ragesh Tangri

11 Attorneys for Defendants
12 PALO ALTO NETWORKS, INC. AND
13 PATRICK R. BROGAN

14 **ATTESTATION PURSUANT TO GENERAL ORDER 45**

15 I, Roderick M. Thompson, attest that concurrence in the filing of this document has been
16 obtained from the other signatories. I declare under penalty of perjury under the laws of the
17 United States of America that the foregoing is true and correct. Executed this 13th day of
18 October 2009, at San Francisco, California.

19 Dated: October 13, 2009

FARELLA BRAUN & MARTEL LLP

20 By: /s/ Roderick M. Thompson
21 Roderick M. Thompson

22 Attorneys for Plaintiff
23 FORTINET, INC.

24 **[] ORDER**

25 Upon stipulation of the parties and good cause appearing therefore, IT IS SO ORDERED.

26 Dated: 10/26, 2009


Hon. Ronald M. Whyte
United States District Judge